

**EDUCATION AND WORKFORCE DEVELOPMENT CABINET
Kentucky Commission on the Deaf and Hard of Hearing
(Amendment)**

735 KAR 2:030. Interpreter qualifications.

RELATES TO: KRS 12.290, 163.510(4)

STATUTORY AUTHORITY: KRS 12.290, 163.510(4)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 163.510(4) requires the commission to oversee the provision of interpreter services to the deaf and hard of hearing. This administrative regulation establishes qualifications for the interpreters utilized by the Interpreter Referral Services Program.

Section 1. (1) A staff or freelance American Sign Language ~~or~~and oral interpreter shall be certified by a nationally certified body, such as but not limited to, the:

- (a) National Association of the Deaf (NAD);
- (b) National Registry of Interpreters for the Deaf (RID);
- (c) National Interpreter Certification (NIC); or
- (d) Board for Evaluation of Interpreters (BEI) certification program.

(2) A cued speech transliterator shall be certified by the National Training Evaluation and Certification Unit.

VIRGINIA L. MOORE, KCDHH Executive Director

APPROVED BY AGENCY: April 11, 2018

FILED WITH LRC: April 11, 2018 at 4 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on May 21, 2018, at 10:00 a.m. EST, at the Kentucky Commission on the Deaf and Hard of Hearing office located at 632 Versailles Road, Frankfort, KY. Individuals interested in being heard at this hearing shall notify this agency in writing by May 14, 2018, five work-days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is received. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until May 31, 2018. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Virginia L. Moore, Executive Director, email virginia.moore@ky.gov, 632 Versailles Road, Frankfort, Kentucky 40601, phone (502) 573-2604 v/tty, fax (502) 573-3594, or Videophone (502) 416-0607.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Virginia L. Moore

(1) Provide a brief summary of:

(a) What this administrative regulation does: The amendment to 735 KAR 2:030 clarifies the certifying bodies for interpreters who work within the Interpreter Referral Services Program within the Kentucky Commission on the Deaf and Hard of Hearing.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to

implement the provisions of KRS 163.510(4), and KRS 163.515, which mandates that the Kentucky Commission on the Deaf and Hard of Hearing administer the Interpreter Referral Services Program to meet the needs of deaf and hard of hearing individuals accessing services offered by state agencies.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation conforms to the content of the authorizing statutes by outlining interpreter qualifications for working with the Interpreter Referral Services Program.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation denotes the certifying bodies for interpreters who work through the Interpreter Referral Services Program.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This amendment adds national certifying bodies for interpreters who work through the Interpreter Referral Services Program.

(b) The necessity of the amendment to this administrative regulation: Per the United States Bureau of Labor Statistics, Kentucky will need 990 qualified interpreters by 2024, so there is a greater need, and expanding nationally qualifying bodies that are acceptable may increase the number of licensed and certified interpreters who work through the Interpreter Referral Services Program.

(c) How the amendment conforms to the content of the authorizing statutes: This amendment denotes additional national certifying bodies for certification of interpreters.

(d) How the amendment will assist in the effective administration of the statutes: This amendment denotes additional qualifying bodies for certification of interpreters.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The 700,000 deaf and hard of hearing consumers in Kentucky that utilize interpreters to access state services will be better served and state agencies will be brought into compliance with the ADA.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: No action is needed to comply with the amendment to this regulation.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There will be no change in the cost of coordinating interpreter services because of the amendment to this regulation.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Per the Bureau of Labor Statistics, Kentucky will need 990 qualified interpreters by 2024, so there is a greater need, and expanding the number of nationally qualifying bodies for certifying interpreters may allow Kentucky to attract and retain qualified interpreters.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: No increase in cost initially after implementation of this amendment.

(b) On a continuing basis: No increase in costs ongoing after the implementation of this amendment.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: General Funds allotted to KCDHH will support the implementation of this amendment. The Executive Director works within the agency's annual budget as provided by the General Assembly, and is monitored by the Commission Board per KRS 163.506.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to im-

plement this administrative regulation, if new or by the change if it is an amendment: No increase in fees or funding is required to implement this amendment.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: No fees are directly or indirectly established or increased by this amendment.

(9) TIERING: Is tiering applied? Tiering is not applied, or required, to implement this amendment as the program functions as part of the overall mission of KCDHH.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) What units, parts or divisions of state or local government (including cities, counties fire departments, or school districts) will be impacted by this administrative regulation? State agencies utilizing the Interpreter Referral Services Program, and consumers utilizing state agencies services, will benefit from the clarifications made in this amendment.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. State statutory authority; KRS 12.290, 163.510(4). Federal statutory authority; 29 U.S.C. Sec 794 and 42 U.S.C. Sec 12132.

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire department, or school districts) for the first full year the administrative regulation is to be in effect. There is no impact on the expenditures and revenues of state government agencies because of this amendment.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? No revenue will be generated initially because of this amendment.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? No revenue will be generated ongoing because of this amendment.

(c) How much will it cost to administer this program for the first year? The cost for administration of this program is included in the agency's general fund budget and will not increase because of this amendment.

(d) How much will it cost to administer this program for subsequent years? The cost of administration of this program is included in the agency's general fund budget and will not increase because of this amendment.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-): The Executive Director works within the agency's annual budget as provided by the General Assembly, and is monitored by the Commission Board per KRS 163.506.

Expenditures (+/-): The Executive Director works within the agency's annual budget as provided by the General Assembly, and is monitored by the Commission Board per KRS 163.506.

Other Explanation: None